

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JOHN DOE 310,**

Plaintiff,

v.

**ARCHDIOCESE OF PORTLAND IN  
OREGON and ROMAN CATHOLIC  
ARCHBISHOP OF PORTLAND IN  
OREGON,**

Defendants.

Case No. 3:13-cv-822-PK

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Paul Papak issued Findings and Recommendation in this case on March 14, 2014. ECF 39. Judge Papak recommended that Plaintiff's motion for partial judgment on the pleadings be denied as to the Defendants' seventh affirmative defense, granted in part and denied in part as to the Defendants' eighth affirmative defense, and denied as moot as to the Defendants' third, fifth, tenth, and eleventh affirmative defenses. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report[.]”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Papak’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Judge Papak’s Findings and Recommendation (ECF 39). Plaintiff’s motion for partial judgment on the pleadings is granted in part and denied in part as discussed in Judge Papak’s Findings and Recommendation.

**IT IS SO ORDERED.**

DATED this 25th day of April, 2014.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge